

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROGER SANDERS,

Petitioner,

v.

LEWIS COUNTY JAIL,

Respondent.

Case No. C06-5720FDB


ORDER ADOPTING REPORT
AND RECOMMENDATION

Petitioner seeks to “discontinue” the petition herein and to take evidence from this petition and attach it to a “new claim.” The matter is confused because the referenced documents were not attached. Petitioner responds to the Report and Recommendation stating that if the documents are not in this case file, they must be in C07-5001FDB, but a review of the docket does not reflect this. Accordingly, the Magistrate Judge’s recommendation to allow a voluntary nonsuit is appropriate.

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE** for the reasons stated in the Report and Recommendation
- (3) The clerk is directed to send copies of this Order to Petitioner, **to send petitioner the forms and copies as outlined in the Report and Recommendation**, and to send a copy of this order to the Hon. J. Kelley Arnold.

DATED this 2nd day of March 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE